

Applicant : Farhad Khosravi
Appl. No. : 10/802,248
Examiner : Truong, Kevin Thao
Docket No. : 702563.4011

Remarks

In the present Office Action, the Examiner rejected claims 1-13 for obviousness-type double patenting over U.S. Patent No. 6,361,546. Applicant submits herewith an appropriate terminal disclaimer, thereby obviating this rejection.

The Examiner also rejected claims 1-7 under 35 U.S.C. §112, second paragraph, due to insufficient antecedent basis for the term "the vascular filter member" in line 7 of claim 1. Claim 1 has been amended to comply with this rejection.

The Examiner also rejected claims 1-7 under 35 U.S.C. § 102(e) as being anticipated by Bates et al. (U.S. Patent No. 6,179,859, and rejected claims 1-13 under 35 U.S.C. § 102(e) as being anticipated by Gilson et al. (U.S. Patent No. 6,432,122). For the foregoing reasons, Applicant respectfully requests reconsideration of these rejections and allowance of the present claims.

Claim 1 has been amended to recite that the retrieval member includes "an expandable member adapted to frictionally engage the vascular filter." No comparable structure or method employing such structure is described in either of the Bates or Gilson et al. patents. Thus, claim 1 – and claims 2 through 7 which depend therefrom – recite elements that are not found in either of the cited patents. Claim 1 is therefore not anticipated by the Bates or Gilson et al. patents. Claims 2 through 7 depend from claim 1, and are therefore patentable for the same reasons set forth above.

Without acceding to the Examiner's stated grounds for rejecting claims 8 through 13, those claims have been cancelled, thereby obviating the Examiner's rejections of those

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claims. Applicant does not agree with the stated rejections, and intends to pursue claims identical to or substantially similar to claims 8 through 13 in a continuation application.

CONCLUSION

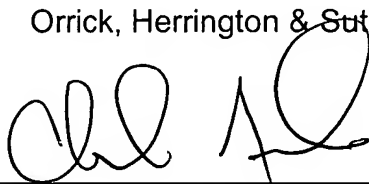
In view of the foregoing, it is submitted that the claims now presented in this application define patentable subject matter. Accordingly, consideration and allowance of the application is requested.

Respectfully submitted,

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By



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